

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CONNECTU LLC,

Plaintiff,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,
CHRISTOPHER HUGHES, and FACEBOOK,
INC.,

Defendants.

CIVIL ACTION NO. 1:04-cv-11923
(DPW)

District Judge Douglas P.
Woodlock

Magistrate Judge Robert B.
Collings

MARK ZUCKERBERG and
FACEBOOK, INC.,

Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

**PLAINTIFF'S OPPOSITION TO FACEBOOK DEFENDANTS' MOTION
TO RESCHEDULE MOTION HEARING SET FOR FEBRUARY 24, 2006**

Plaintiff ConnectU LLC hereby opposes Facebook Defendants' Motion to Reschedule Motion Hearing Set For February 24, 2006 (Docket No. 141), filed February 8, 2006. For the reasons detailed below, ConnectU believes that it would be in the best interest of the litigation for the hearing to go forward on February 24, 2006, and that ConnectU would be substantially prejudiced by the requested continuance.

Facebook Defendants' motion fails to mention that they refused a proposal by ConnectU that would have eliminated the scheduling conflict described in their motion. In response to Facebook Defendants' telephone request to reschedule this Court's hearing to March 17, 2006 (and then later to March 3, 2006), ConnectU offered to reschedule the February 24, 2006 hearing on Facebook's motion in the California state case so that it would be heard at the same time as another of Facebook's motions scheduled for a February 17 hearing in the California case (it is ConnectU's understanding that such rescheduling would be accepted by the California court). This would have freed up Facebook's counsel (Mr. Cooper), who intended to appear at the February 24th California hearing, to attend this Court's hearing on that date. Facebook Defendants refused this offer, but it remains open even if this motion is denied.

Moving up the California motion, which was filed much later than the Massachusetts motions, would have allowed both parties to have their motions heard on the earliest possible date, and eliminated the risk that this Court would not be available on the suggested dates. In fact, counsel for ConnectU even offered to prepare a proposed stipulation and order to move up the February 24, 2006 hearing in California (Ex. 1), but Facebook Defendants refused.

In light of Facebook Defendants' refusal to participate in the discovery process (as evidenced by the motions to compel to be argued at the hearing at issue) and Facebook Defendants' refusal of ConnectU's reasonable proposal (which would have eliminated the need for this motion), ConnectU can only interpret the present Motion as another attempt to stall this litigation. ConnectU fears that this motion is an attempt to delay this hearing for much longer than the March 17 and March 3 dates that Facebook Defendants propose, because the Court may not be available on those dates. ConnectU would like to move ahead with this litigation, without further delay.

Lastly, Facebook Defendants did not provide ConnectU with all of the details set forth in the motion, such as Mr. Chatterjee's family considerations. But it is ConnectU's

understanding that Facebook's counsel, Mr. Cooper (who Facebook says will attend the hearing if it is rescheduled), would have attended the February 24th hearing in California. He can attend this Court's hearing on February 24 if Facebook Defendants accept ConnectU's offer to reschedule that hearing.

For all of these reasons, ConnectU opposes Facebook Defendants' motion to reschedule the February 24, 2006 hearing.

DATED: February 9, 2006

/s/ Troy E. Grabow

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 9, 2006.